REMARKS

In the Official Action, claims 1-7 and 11-16 were rejected, and claims 8-10 and 17-22 were withdrawn. Applicants confirm in writing the provisional election to prosecute the invention of claims 1-7 and 11-16. By this response, claims 8-10 and 17-22 have been cancelled without prejudice. Upon entry of the amendments, claims 1-7 and 11-16 will be pending in the present application. Reconsideration of the rejections and allowance of the pending claims are respectfully requested.

Election/Restriction Requirements

As indicated in the Official Action mailed on March 8, 2004, the Examiner conducted a teleconference with Mr. Michael Fletcher on February 25, 2004. The Examiner's position with regard to the claims has been provided in the Official Action. Specifically, the Examiner stated that:

> Restriction to one of the following inventions is required under 35 U.S.C. 121:
> 1.   Claims 1-3, 4-7, 11-13, and 14-16 are drawn to plurality of look up tables, classified in class 345, subclass 602.
> 11.   Claims 8-10, 17-19, and 20-22 are drawn to snooping processors, classified in class 711, subclass 146.
> The inventions are distinct, each from the other because of the following reasons:
> Inventions 1, and 11 are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention 1 has separate utility such as a remote management controller having an EGA and VGA look up tables, etc.. Alternatively, invention 11 has separate utility such as snooping processors accessing and storing EGA and VGA color palette of a video graphics controller, etc.. See MPEP § 806.05 (d).

Official Action mailed March 8, 2004, page 2.

Although Applicants do not necessarily agree with the Examiner's reasons for the restriction, Applicants hereby confirm the provisional election made during the teleconference to prosecute claims 1-7 and 11-16 of Group I. By this response, claims 8-10 and 17-22 have been cancelled without prejudice for possible filing in a divisional application. Accordingly, claims 1-7 and 11-16 remain pending in the present application.

Rejections Under 35 U.S.C. § 102

In the Official Action, the Examiner rejected claims 1-7 and 11-16 under 35 U.S.C. § 102(e) as being anticipated by the Hester reference (U.S. Pat. No. 5,608,426). Specifically, the Examiner stated that:

> Claims 1-7, and 11-16 are rejected under 35 U.S.C. 102 (e) as being anticipated by Hester (US Patent 5,608,426).
>
> As per claims 1, 4, 6, 11, and 14 Hester teaches a plurality of computers (see for example column 2 lines 40-45); a remote management controller having an EGA shadow look up table and a VGA shadow look up table (see for example column 3 lines 50-52, column 4 lines 1-8, and figure 1-3 with different display **protocols** having different palettes with one or more entries with each entry being identified by a **color index** value namely RGB), the remote management controller being adapted to snoop accesses (access and manipulate) to EGA and VGA color palettes of a video graphics controller (see for example column 4 lines 60-65 and figure 3), and to create a copy of information in the EGA color palette in the EGA shadow look up table and a copy (manipulation) of information in the VGA color palette in the VGA shadow look up table, wherein information in the EGA shadow look up table and the VGA shadow look up table is used to communicate correct color information to the remote computer (see for example column 4 lines 45-55 through communicating the changes and **manipulating** the system palette on the remote computer to make an exact **match**).
>
> Official Action mailed March 8, 2004, pages 4-5.

8

Applicants respectfully traverse the Examiner's rejection. Anticipation under section 102 can be found only if a single reference shows exactly what is claimed. *Titanium Metals Corp. v. Banner*, 778 F.2d 775, 227 U.S.P.Q. 773 (Fed. Cir. 1985). For a prior art reference to anticipate under section 102, every element of the claimed invention must be identically shown in a single reference. *In re Bond*, 910 F.2d 831, 15 U.S.P.Q.2d 1566 (Fed. Cir. 1990). To maintain a proper rejection under section 102, a single reference must teach each and every element or step of the rejected claim. *Atlas Powder v. E.I. du Pont*, 750 F.2d 1569 (Fed. Cir. 1984). Accordingly, the prior art reference must show the identical invention in as complete detail as contained in the patent claim to support a *prima facie* case of anticipation. *See Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 U.S.P.Q. 2d 1913, 1920 (Fed. Cir. 1989). As such, Applicants need only to point to a single element not found in the cited reference to demonstrate that the cited reference fails to anticipate the claimed subject matter.

The present application is directed to a technique for remotely displaying color graphics of an accessed computer system. *See* Application, page 2, lines 7-9. Generally, a remote computer system may include an add-in board or an integrated remote console that interacts with a host computer to provide access to server video memory. *See id.* at page 4, lines 7-14; page 5, lines 1-5. While these methods of accessing the server video memory offer advantages, the cost of the techniques and the ability to provide only text video modes limit the functionality. *See id.* at page 4, lines 17-21; page 5, lines 5-10. Accordingly, as taught in the present application, a remote management controller may obtain graphical information from a video graphics controller, using a snooping technique for example. *See id.* at page 13, line 14 to page 14, line 9. For instance, two color lookup tables, such as an EGA lookup table and a VGA lookup table, may be used by the video graphics controller.

See id. at page 28, line 17 to page 29, line 9. To display the correct colors, the remote

management controller snoops access to the video graphics controller to create a shadow

lookup tables of the EGA lookup table and the VGA lookup table. *See id.* at page 29, lines

10-21.

Certain aspects of the remote displaying technique are recited in each of the

independent claims 1, 4, 11 and 14. For instance, independent claim 1 recites a remote

management controller having "an EGA shadow look up table and a VGA shadow look

up table" that is adapted to "snoop accesses to EGA and VGA color palettes of a video

graphics controller" and "create a copy of information in the EGA color palette in the

EGA shadow look up table and a copy of information in the VGA color palette in the

VGA shadow look up table." Independent claim 4 recites a remote management

controller having "an EGA shadow look up table and a VGA shadow look up table" that

is *adapted to* "snoop accesses by the processor to the EGA and VGA color palettes of the

video graphics controller" and "create a copy of information in the EGA color palette in

the EGA shadow look up table and a copy of information in the VGA color palette in the

VGA shadow look up table." Further, independent claim 11 recites a remote

management controller having "an EGA shadow look up table" that is adapted to "snoop

accesses to an EGA color palette of a video graphics controller" and "create a copy of

information in the EGA color palette in the EGA shadow look up table." Similarly,

independent claim 14 recites a remote management controller having "a VGA shadow

look up table" that is adapted to "snoop accesses to a VGA color palette of a video

graphics controller" and "create a copy of information in the VGA color palette in the

VGA shadow look up table." To be clear, the independent claims 1, 4, 11 and 14 recite a

remote management controller that snoops accesses to an EGA color palette and/or a

VGA color palette of a video graphics controller *and* creates a *copy* of information in the color palette in a *shadow look up table*.

It appears that the Hester reference is directed to a technique for managing display palettes in a collaborative system. *See* Hester, col. 2, lines 1-9. To provide images for the collaborative system, the Hester system converts the palettes on a host computer into a device independent image for transmission to the collaborative system on a remote computer. *See id.* at col. 2, lines 51-60. This technique is utilized because the remote computers may have different types of displays, such as EGA, VGA, and s-VGA. *See id.* at col. 3, lines 42-52. In the Hester system, a computer apparently uses hardware palettes 24 for actual colors displayed on a monitor, system palettes 26 for applications to interface with the hardware palettes 24, and logic palettes 28 to reflect the desired color selections of the applications. *See id.* at col. 4, lines 1-16. In the collaborative system, changes made to the system palettes 26 of the host computer are communicated to a remote computer. *See id.* at col. 4, lines 45-58. The system palettes 26 may be represented by a device dependent bitmap that is intercepted and converted into a device independent bitmap for transmission to the remote computer. *See id.* at col. 5, lines 42-57. Hence, the Hester system simply converts a device dependent bitmap into a device independent bitmap for transmission to the remote system. Importantly, however, the Hester reference does not disclose the claimed *remote management controller, snooping* accesses to an EGA color palette and/or a VGA color palette, or creating a *copy* of information in the color palette in a *shadow look up table*, as discussed below.

First, the Hester reference does not discloses a *remote management controller*. In the rejection, the Examiner did not cite to any specific elements of the Hester reference, but relied upon a first passage, at col. 3, lines 50-52, and a second passage, at col. 4, lines 1-8, of the

Hester reference to assert that the claimed subject matter is provided by the reference. However, in the first cited passage, the Hester reference simply describes that different display protocols in different systems have different color display capabilities. *See* Hester, col. 3, lines 50-52. The second passage describes three types of palettes utilized to control display colors on a monitor, such as the hardware palettes 24, system palettes 26, and logic palettes 28. *See* Hester, col. 4, lines 1-8. Clearly, these passages do not disclose or suggest *remote management controller*. At best, these passages disclose color palettes that may be utilized in a computer system, but not specifically in a *remote management controller*. Thus, the passages relied upon by the Examiner do not disclose the claimed subject matter as recited in independent claims 1, 4, 11 and 14.

Secondly, the Hester reference fails to disclose *snooping* accesses to EGA color palette and/or VGA color palette of a video graphics controller, as recited in independent claims 1, 4, 11 and 14. In the rejection, the Examiner did not cite to any specific elements of the Hester reference, but relied upon a passage, at col. 4, lines 60-65, of the Hester reference to disclose the snooping of accesses to an EGA color palette and/or VGA color palette of a video graphics controller. However, in the cited passage, a Controlling Application 30 manages the application sharing and communication functions and intercepts the user's interaction with a Captured Application 34. *See* Hester, col. 4, lines 60-67. Then, the Captured Device 34 invokes various functions, such as Graphical Device Interface functions, to manipulate the display on the monitor. *See* Hester, col. 4, line 67 to col. 5, line 9. That is, the passage simply refers to intercepting user interactions with an application, not *snooping accesses to EGA color palette and/or VGA color palette of a video graphics controller*. As a result, the passage relied upon by the Examiner does not disclose the subject matter recited in independent claims 1, 4, 11 and 14.

12

Finally, the Hester reference fails to disclose creating a *copy* of information in the EGA color palette in the EGA shadow look up table and/or a *copy* of information in the VGA color palette in the VGA shadow look up table. Again, the Examiner did not cite to any specific elements of the Hester reference, but relied upon a specific passage at col. 4, lines 45-55, of the Hester reference to assert that the claimed subject matter is provided within the reference. However, in the cited passage, the Hester reference simply describes how a change in a system palette 26 of the host computer in the collaborative system is communicated to a remote computer 10. *See* Hester, col. 4, lines 45-50. That is, the remote computer may update the window associated with the collaborative system from the received system palette 26. *See id.* at col. 4, lines 50-56. Clearly, the Hester system is not creating copies of color palettes in shadow look up tables. *See id.* at col. 5, lines 42-57. As such, the Hester reference does not disclose creating a *copy* of information in the EGA color palette in the EGA shadow look up table and/or a *copy* of information in the VGA color palette in the VGA shadow look up table.

Because the Hester reference fails to disclose all the claimed subject matter, the reference fails to support a *prima facie* case of anticipation. Therefore, Applicants respectfully request withdrawal of the Examiner's rejection and allowance of claims 1-7 and 11-16.

Conclusion

In view of the remarks and amendments set forth above, Applicants respectfully request allowance of the pending claims 1-7 and 11-16. If the Examiner believes that a

telephonic interview will help speed this application toward issuance, the Examiner is invited

to contact the undersigned at the telephone number listed below.

Respectfully submitted,

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